

REMARKS

These remarks are directed to the office action mailed March 5, 2008, setting a three month shortened statutory period for response set to expire on June 5, 2008. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter. Claims 32 and 35-39 are pending.

Substance of the Interview with the Examiner

Applicant thanks Primary Examiner Isis A. Ghali for the constructive interview held on May 19, 2008. Claims in the pending application and the unexpected properties of the composition as disclosed by Applicant were discussed. Claim amendments to overcome the cited references were proposed.

Claim Rejections under 35 USC § 112

Claims 32, 35-39 have been rejected under 35 USC §112 as failing to comply with the written description requirement. Applicant has amended claim 32 to recite “a polyisobutylene, wherein the hydrocolloid composition comprises up to about 95% polyisobutylene,” which is clearly supported in paragraph [0070] of Applicant’s specification. Applicant submits that independent claim 32 and the claims dependent therefrom are now patentable under 35 USC §112.

Claim Rejections under 35 USC § 103

Claims 32, 35-39 have been rejected under 35 USC §103(a) as being unpatentable over the combined teachings of Liao, et al. (U.S. Pat. No. 5,827,525), Balinth (U.S. Pat. No. 4,335,026), and Doyle, et al. (U.S. Pat. No. 4,551,490).

The examiner states in the office action of March 5, 2008, that “although [Liao et al.] suggested each of EPDM polymer, polyisobutylene and KRATON as hydrophobic polymers, however, the reference does not explicitly teach their combination.”

Applicant submits that the combination of EPDM and polyisobutylene (PIB) yields a compound that possesses unexpected properties and is therefore not obvious. Applicant describes in paragraph [0009] and [0010] of the specification that the disadvantage of a hydrocolloid composition comprising only PIB, such as the composition described in U.S. Pat. No. 3,339,546, was that it had low integrity when it absorbed a great amount of fluid. U.S. Pat. No. 4,166,051 describes a PIB composition having butyl rubber added as an integrity enhancer. However, **the total absorbency of the composition compared to only PIB was reduced**. This is a predictable result since both PIB and butyl rubber are **hydrophobic** polymers, as Liao et al. has defined in column 2, lines 15 to 18.

The expected property of a composition comprising PIB and another hydrophobic polymer, EPDM, would also be a reduced total absorbency. However, as evidenced in TABLE 2 of Applicant's specification, the EPDM based hydrocolloid compositions as taught by Applicant (examples 8-11) **maintained high absorption** while obtaining enhanced integrity. In TABLE 2, the compositions as taught by Doyle et al. (examples 4-7) included butyl rubber to enhance integrity but had reduced saline absorption. Applicant's exemplary compositions, having a similar percentage of hydrophilic particles as the compositions taught by Doyle et al., had enhanced integrity, improved skin adhesion, as well as high saline absorption.

It has been held that rebuttal evidence may consist of a showing that the claimed compound possesses unexpected properties. *Dillon, 919 F.2d at 692-93, 16 USPQ2d at 1901*. Since Liao et al. does not explicitly teach the combination of EPDM and PIB, and none of the cited references teach or suggest that a composition with EPDM and PIB would have properties different than the Doyle et al. composition, Applicant submits that the composition as recited in independent claim 32 possesses unexpected properties that could not have been predicted by the combined teachings of the cited references. Therefore, independent claim 32 and the claims dependent therefrom are not obvious and are patentable under 35 USC §103.

In view of the above, it is respectfully submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicant's undersigned attorney.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 070377-010200 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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